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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,236	11/15/1999	ANDREW D. BAILEY III	LAM1P123/P05	5922
22434	7590	12/29/2003	EXAMINER	
BEYER WEAVER & THOMAS LLP			ALEJANDRO MULERO, LUZ L	
P.O. BOX 778			ART UNIT	
BERKELEY, CA 94704-0778			PAPER NUMBER	

1763

DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/470,236

Applicant(s)

BAILEY ET AL.

Examiner

Luz L. Alejandro

Art Unit

1763

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-11, 13-39 and 41-54.

Claim(s) withdrawn from consideration: 40.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Luz L. Alejandro
Primary Examiner
Art Unit: 1763

Continuation of 2. NOTE: the added limitations to claims 1 and 19, for example, raise new issues requiring further consideration and/or search.

Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues that Li et al., U.S. Patent 6,070,551 fails to expressly disclose "...said gas flow system comprising at least one gas inlet for receiving said input gas that is to be delivered into said plasma processing chamber and at least first and second gas outlets that are each capable of delivering said input gas to said processing system, at least a portion of said input gas being delivered to said plasma processing chamber via said first and second outlets...". The examiner respectfully disagrees since the claim, when given its broadest reasonable interpretation, shows the above mentioned limitation. For instance, note from fig. 5 of Li et al. that each nozzle comprises different outlets 64. For at least these reasons the rejection under 35 USC 102 and 103 with the Li et al. reference are maintained.

Concerning the Collins et al. reference, applicant argues that the limitation "...said at least two different regions including a top central region, a lower peripheral region, and an upper peripheral region" and therefore the rejection of claim 19 under 35 USC 102(b) should be withdrawn. However, please note that this argument is moot since claim 22 is now incorporated into claim 19 and claim 22 was not previously rejected by Collins et al..

With respect to the Murugesh et al. reference, applicant argues that the reference fails to disclose "...said at least two different regions including a top central region, a lower peripheral region, and an upper peripheral region" and "...said gas flow system controlling the release of input gas, associated with forming a plasma, into a first, a second and a third region within said plasma processing chamber, said first region being a top central region located at the top surface of said plasma processing chamber, said second region being an upper peripheral region located on an upper surface of said plasma processing chamber proximate said upper end of said plasma processing chamber, and said third region being a lower peripheral region located proximate said lower end of said plasma processing chamber". With respect to this argument, applicant admits that gas flow to two regions such as the upper peripheral region and the top center region are shown but a lower peripheral region is not shown. In response, the examiner points out that the lower peripheral region can be represented by the cleaning gas port 54 in fig. 1A, for example. Moreover, concerning claim 54, the examiner maintains that as broadly interpreted, the reference reads on the claim because the top surface is a dome shape and the peripheral portions of the dome shape are formed in such a way that the gas ring is closer to the top surface than the substrate.

Regarding the rejection of claims 50-52 using the Li et al. reference, the examiner respectfully submits that the added limitation of the input gas formed by a mixture of gases represents a method limitation rather than an apparatus limitation. Since an apparatus is being claimed as the instant invention, the method teachings are not considered to be the matter at hand, since a variety of methods can be done with the apparatus. The method limitations are viewed as intended uses which do not further limit, and therefore do not patentably distinguish the claimed invention.

Concerning the rejection of claims 6, 36, and 49 using the Wing et al. reference, U.S. Patent 6,277,235, applicant argues that Wing et al. fails to disclose that the gas flowing through the chuck is suitable for use to etch said substrate in said plasma processing chamber. Concerning the gas being suitable to etch said substrate, the examiner respectfully submits that this limitation represents a method limitation rather than an apparatus limitation. Since an apparatus is being claimed as the instant invention, the method teachings are not considered to be the matter at hand, since a variety of methods can be done with the apparatus. The method limitations are viewed as intended uses which do not further limit, and therefore do not patentably distinguish the claimed invention.

Moreover, regarding the rejection under 35 USC 103(a) using the Murugesh reference, applicant argues that the reference fails to disclose the input gas being mixed before passing through said first and second gas outlets.. With respect to this limitation, this limitation represents a method limitation rather than an apparatus limitation. Since an apparatus is being claimed as the instant invention, the method teachings are not considered to be the matter at hand, since a variety of methods can be done with the apparatus. The method limitations are viewed as intended uses which do not further limit, and therefore do not patentably distinguish the claimed invention.